

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RAVGEN, INC.,

Plaintiff,

v.

**QUEST DIAGNOSTICS
INCORPORATED,**

Defendant.

CIVIL ACTION NO. 6:20-CV-00972-ADA

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Joint Proposed Amended Scheduling Order (Dkt. 40), Plaintiff Ravgen, Inc. (“Ravgen”) and Defendant Quest Diagnostics Incorporated (“Quest”), the parties in the above captioned action, submit this Joint Claim Construction Statement. All references to claims and citations refer to the two asserted patents in the case, U.S. Patent No. 7,332,277 (“the ’277 Patent”) and 7,727,720 (“the ’720 Patent”).

I. DISPUTED CLAIM TERMS

Claim Term	Ravgen’s Proposed Construction	Quest’s Proposed Construction
<p>“an agent that [inhibits lysis of cells/impedes cell lysis] . . . selected from the group consisting of membrane stabilizer, cross-linker, and cell lysis inhibitor” (’277 Patent, Claims 55, 81; ’720 Patent, Claim 1)</p> <p>Proposed for construction by Quest</p>	<p>Plain and ordinary meaning</p>	<p>Indefinite</p> <p>If not indefinite, then means-plus-function pursuant to 35 U.S.C. § 112 ¶ 6.</p> <p>Function: [an agent] “that [impedes cell lysis/inhibits lysis of cells], if cells are present, and wherein said agent is selected from the group consisting of membrane stabilizer, cross-linker, and cell lysis inhibitor”</p> <p>Structure/Materials: <i>See</i> Quest Exhibit 1 (Dkt. 49-3).</p>
<p>“[a] method for detecting a free nucleic acid, wherein said method comprises: (a) isolating free nucleic acid . . . and (b) detecting the presence or absence of the free nucleic acid” (’720 Patent, Claim 1)</p> <p>Proposed for construction by Quest</p>	<p>Plain and ordinary meaning</p>	<p>Indefinite</p>

Dated: September 8, 2021

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above document has been served on all counsel of record via the Court's ECF system on September 8, 2021.

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